

## NO KA MOE KOLOHE

I moe ke kāne i ka wahine, e huhū a'e la ka wahine kahiko, i mana'o ua wahine kahiko la, e hemo, e ha'i aku i ke ali'i kia 'āina a na ke ali'i kia 'āina e ha'awi aku i palapala no ka hemo 'ana, alaila hemo lāua. I mana'o ua wahine la, e ha'alele iā ia, mare i kāne hou nana, ua pono; akā o ua kāne moe kolohe la, 'a'ole loa ia e moe i ka wahine hou, a make ka wahine ana i i ha'alele ai, alaila mare ia i ka wahine, akā i ho'opa'a ua kanaka la, i ka moe kolohe, eia kona uku, i 'ekolu pua'a, na ka mea nana ka wahine ana i moe ai, i 'ekolu ho'i a ke ali'i kia 'āina pua'a, na ke kia 'āina e mana'o ka ke ali'i nui, i hana a i 'ole na pua'a 'ekolu, i waiwai e a'e, e ho'olike ka waiwai, me ke kū'ai 'ana o nā pua'a 'ekolu.

I moe ka wahine i ke kāne e huhū a'e la ke kāne kahiko, ua like pū ke 'ano, o kona 'ōlelo 'ana, me ko ke kāne, o ka wahine i moe'ia' ku ai, 'elima ana kola e uku mai na ke ali'i nui, 'Elima ho'i a ke ali'i kia 'āina, 'Elima ho'i i ka wahine nana ke kāne ana i moe ai, i 'ole ke dola, i waiwai e a'e, e ho'olike me ke kū'ai 'ana a nā dola 'elima, pēlā no ho'i ke kāne i moe'ia'ku ai. 'O ke kāne hewa, 'o ka wahine hewa, inā ehā hewa 'ana, aia no i ko ke ali'i mana'o ka hemo o ka 'āina.

Inā he ali'i kā i hewa, 'Elua haneri dola, e uku mai, na ke ali'i nui, i nā ehā hewa 'ana aia no i ko ke ali'i mana'o ka hemo o ka 'āina.

'A'ole loa e pono 'elua wahine i ke kāne ho'okahi, 'A'ole e pono 'elua kāne i ka wahine ho'okahi, 'o ke kāne, me ka wahine, i mana'o e hana pēlā, ua hewa no ia, no ka mea, 'a'ole ia e like, me kēia kāmāwai.

'O ke kāne, me ka wahine, i ho'āo pono mamua, ua pa'a no lāua, i kēia wā hou, akā i moe kekāhi i ka mea 'e, ua hewa no ia.

'O ke kāne me ka wahine, inā e ho'āo malū, i kēia wā hou, ua hewa no ia, 'O kēia mau mea a pau, e uku'ia lākou, ua like ka ano o ka uku me ka 'ōlelo maloko o nā lālanī maluna.

'O ke kāne ho'okamakama, o ka wahine ho'okamakama, 'akāhi pō, e ho'okamakama ai, 'elima dola e uku mai na ke ali'i, 'alua pō, 'umi ke dola e uku mai, 'akolu pō, iwakālua dola e uku mai, 'ahā pō, 'akāhi kanahā dola e uku mai na ke ali'i ia, inā e mālama 'ole lākou i kēia uku, ia hewa, eia ka uku he 'umi kūmāmawalu mālama e pa'a ai i ka hao.

No ke kāne mare 'ia, no ka wahine mare 'ia.

Eia ka pono, o ka mare 'ana e mau loa ai, 'o ke kāne me ka wahine, i makemake lāua e mare, inā i kapu ko lāua mare 'ana i ka 'ōlelo a ke Akua, 'a'ole e pono ke mare, akā i kapu 'ole, ko lāua mare 'ana i ka 'ōlelo a ke Akua, e hō'ike ko lāua mana'o mamua i ke kumu, i pono ai, alaila e pono iā lāua, imua ke alo o ke Akua, a me ko ke ao nei, a e pa'a ko lāua mau inoa iloko o ka palapala mare, pēlā e like ai, me ka kāmāwai i kēia manawa.

Kauikeaouli

O'ahu, September 21, 1829

Translation of No Ka Moe Kolohe by State Archivist

If a man sleep with a woman, and his wife be displeased, and wish to be separated she may apply to the governor who shall grant a divorce and they shall be separated. If the wife wish to leave him and marry again she may but the guilty husband shall not be at liberty to marry again until the death of his first wife, But if he is caught again in adultery he shall pay three hogs to the husband of his paramour, and three to the governor who shall set apart a portion for the king, if not hogs then something else of equal value.

If a woman commit adultery and her husband be displeased his case is the same as that of the wife of an adulterous husband and the woman shall pay five dollars for the king and five dollars for the governor and five dollars for the wife of the man with whom she had connection or if not money, then property of equal value and her paramour shall be fined in the same manner. And if they have connection four times it shall be at the discretion of the king to take away their land.

If a chief is the culprit he shall pay to the king two hundred dollars and if a transgressor four times then it is at the king's discretion to take away his land.

It is not proper that one man have two wives nor one woman two husbands, whatever man or woman shall do so is guilty by this law.

If a man or woman have co-habitated they are by this law made man and wife but if later they co-habit with others it is a crime.

If hereafter a man and woman cohabit secretly they are guilty and shall be fined as has been stated above.

Wherever they are guilty of fornication they shall pay the king five dollars, if twice ten dollars, three times twenty dollars, the fourth time forty dollars, and if the fine be not paid then 12 months in prison.

Respecting Married Persons

This is proper that the marriage of a man with a woman be perpetual, if they wish to marry, if their union be forbidden in the word of God it will not be proper to marry but if not forbidden - let them make known their intention beforehand to the teacher that it be right and then let them be properly married before God and men and let their names be both written in the marriage certificate so will they be observing the laws of the present time.

(signed) Kauikeaouli

oahu, September 21, 1829

Translation of No Ka Moe Kolohe by Davianna Pōmaika'i McGregor

If the man sleeps with the woman, and the former wife becomes angry, if this (aforementioned) former wife wants to divorce, she talks to the royal governor and the royal governor grants a certificate for the divorcing, then the two are divorced. If this aforementioned wife/woman wants to leave him, to marry a new man it would be proper; but the aforementioned adulterous man absolutely cannot marry a new wife, until the wife who left him dies, then he can marry the woman, but the aforementioned man is held bound for the adultery, this is his fine, three pigs for the one to whom the woman he slept with belongs, three pigs also to the royal governor, by the governor it is presumed to be the high chief/king, in work or three pigs or in some other value/property that equals the value with the exchanging of three pigs.

If the woman sleeps with the man, the former husband becomes angry, his manner of saying is the same with that relative to the man's, the woman who had slept should pay five dollars to the high chief, five also to the royal governor, five also to the woman to whom belonged the man she slept with, if not the money, in some other value, that equals with the exchanging of five dollars, that is how it is also for the man who had slept. The man is guilty the woman is guilty, if four are committing wrong then it is the prerogative/discretion of the chief to take away the land.

If a chief is the one that commits wrong, two hundred dollars, should be paid to the high chief/king, if four are guilty it is the prerogative/discretion of the chief to take away the land.

Two women for one man is not at all proper. Two husbands for one woman is not at all proper, the man and woman who intend to do in this way is wrong, because it is not like this with this law.

The man, and the woman who married properly before, they are bound (together) in this new time but if one sleeps with another it is wrong.

The man, and woman, who should marry clandestinely in this new time, it is wrong. These many things, are to be fined. The type of fine is the same as the words of the above lines.

The man fornicator, the woman fornicator, the first night that one fornicates, one should pay five dollars to the chief, the second night, one should pay ten dollars, the third night one should pay twenty dollars, the third night one should pay one hundred dollars, if they do not attend to this fine, it is wrong, this is the payment to be held in irons for eighteen months.

Regarding the Married Man, Regarding the Married Woman

This is what is proper, that the marriage will be perpetual, If the man and the woman want to marry, if their marrying is forbidden by the word of God, the marriage will not be proper, but if their marrying is not forbidden by the word of God, they should reveal their intention beforehand to the teacher, that it is proper, then the two of them have the right before the presence of God and the world below, and they should sign both their names in a marriage certificate,

this is the way it is to be with the law at this time.

Kauikeaouli

Oahu, September, 21, 1829

## CONCERNING ADULTERY<sup>①</sup>

If the man sleeps with the woman, and the former wife becomes angry, if this (aforementioned) former wife wants to divorce, she <sup>(and) speaks</sup> talks to the royal governor<sup>②</sup> and the royal governor grants a certificate for the divorcing, then the two are divorced. If this aforementioned wife wants to leave him, to marry a new man it would be proper; but the aforementioned adulterous man absolutely cannot marry a new wife, until the wife who left him dies, then he can marry the woman, but the aforementioned man is held bound<sup>③</sup> for the adultery, this is his fine, three pigs for the one to whom the woman he slept with belongs, three pigs also to the royal governor, by the governor it is presumed to be the high chief/king, in work<sup>④</sup> or three pigs or in some other value/property that equals the value with the exchanging of three pigs.

If the woman sleeps with the man, the former husband becomes angry, his manner of ~~saying~~ is the same with that relative to the man's, the woman who had slept should pay five dollars to the high chief, five also to the royal governor, five also to the woman to whom belonged the man she slept with, if not the money, in some other value, that equals with the exchanging of five dollars, that is how it is also for the man who had slept. The man is guilty the woman is guilty, if four are committing wrong then it is the prerogative/discretion of the chief to take away the land.<sup>⑤</sup>

If a chief is the one that commits wrong, two hundred dollars, should be paid to the high chief/king, if four are committing wrong it is the prerogative/discretion of the chief to take away the land.

Two women for one man is not at all proper. Two husbands for one woman is not at all proper, the man and woman who intend to do in this way is wrong, because it is not like this with this law.

The man and the woman who married properly before, they are bound (together) in this new time but if one sleeps with another it is wrong.

The man and woman, who should marry clandestinely in this new time, it is wrong. These many things, are to be

Concerning Adultery -- page two

fined. The type of fine is the same as the words of the above lines.

The man fornicator, the woman fornicator, the first night that one fornicates, one should pay five dollars to the chief, the second night, one should pay ten dollars, the third night one should pay <sup>forty</sup> ~~one hundred~~ dollars, if they do not attend to this fine, it is wrong, this is the payment to be held in irons for eighteen months.

Regarding the married man, regarding the married woman

This is what is proper, that the marriage will be perpetual, If the man and the woman want to marry, if their marrying is forbidden by the word of God, the marriage will not be proper, but if their marrying is not forbidden by the word of God, they should reveal their intention beforehand to the teacher, that it is proper, then the two of them have the right before the presence of God and the world below, and they should sign their names in a marriage certificate, this is the way it is to be with the law at this time.

Kauikeaouli

Oahu, September 21, 1829

translated by: Davianna Pōmaika'i McGregor-Alegado  
December, 1979



Excerpt from letter by Rev. Lor<sup>W</sup>rin Andrews to Rev. Anderson of the A.B.C.F.M. dated December 2, 1835, which gives an explanation for the origin of the term "moe Kolohe" for adultery:

In the first part of the letter Rev. Andrews says he will address a point upon which Rev. Anderson had requested more facts, "the unthinking character of the native mind." (emphasis in original) Later, he uses the example of how the missionaries decided to use the term "sleep mischievously" or "moe kolohe" as one of the facts supporting his conclusion that Hawaiians are "unthinking".

Everything is specific and of particular application. So in moral subjects. In translating the seventh commandment, it was found they had about twenty ways of committing adultery, and of course as many specific names; and to select any one of them would be to forbid the crime in that one form and tacitly permit it in all other cases. It was necessary therefore to express the idea in another way, viz. "Thou shalt not sleep mischievously." They have no word answering to our word color, they cannot ask "what color is it"? They can only ask, is it black, red, blue etc. but have no general term. They have no term answering to our word number & etc. The whole language shows that they never have been a thinking people. Their habits and manners show that everything is considered individually.

- not know generic terms